

REMARKS

Claims 1-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Withers in view of Ullman. Applicants respectfully traverse this rejection.

Among the limitations of independent claims 1-3 and 8-10 that are neither taught nor suggested by the art of record is “flattening the surface of said graphite target.”

Withers discloses a method and apparatus for producing fullerenes, a form of carbon. The only portion of Withers cited by the Office Action teaches using a laser 72 to vaporize carbon particulates 74. *See Withers, col. 8, ll. 29-35.* This system is depicted in Figure 8 of Withers, which shows a laser beam 75 that is directed by a mirror 75 through a window 76 and into a container 73 which houses a source of carbon 74. As a result, vaporized carbon is produced, collected on the inner walls of the container and later separated. *See Withers, col. 8, ll. 36-50.*

In contrast to Withers, the present claims explicitly recite “flattening the surface of said graphite target.” The Office Action fails to point to any section of Withers that discloses “flattening.” Moreover, Applicants cannot locate any section of Withers that discloses “flattening.” Thus, Withers completely fails to teach or suggest “flattening the surface of said graphite target,” as recited in the independent claims.

The Examiner has taken the position that the plain language of claims 8-10 states that flattening the graphite target is accomplished with irradiated light. It is respectfully submitted that this is not accurate. Claim 8, for example, recites “irradiating a surface of a graphite target with light, collecting carbon vapor evaporated from said graphite target as nanocarbon, and flattening the surface of said graphite target irradiated with light”. When

a graphite surface is irradiated with light, it becomes a “graphite target irradiated with light.” As a result, the recited “flattening the surface of said graphite target irradiated with light” is a separate step. If flattening had occurred when irradiation was effected, then the subsequent step of “flattening” could not take place.

As Withers explicitly states, the laser vaporizes carbon where it impinges on the target (col. 8, lines 40-44), and that clearly results in a concave surface where the carbon has been removed but not at the adjacent surface where the laser has not applied. In order to flatten the surface, something further must be done. As stated at the bottom of page 8, the method used is not limited. A second irradiation would only deepen the cavity. A second application of laser light to the margins of the concave surface would widen the cavity if done perfectly or result in a second cavity if not, but in any event reapplication of laser light is neither taught nor suggested by the reference.

Applicants appreciate the Examiner’s suggestion that some insertion of punctuation, etc., might better express the meaning, but it is respectfully submitted that the comma before the word “flattening” is sufficient. Applicants are reluctant to change the claims and risk the possibility of unintentionally raising some new issue since the Action has been made “final” but if the Examiner feels some change would be preferable, they stand prepared to make that change.

Ullman was not added to cure the deficiency in Withers discussed above, but to show additional limitations such as rotating the carbon source which, even if were to show, do not cure the deficiency in Withers. Thus, Applicant respectfully submits that the rejection of independent claims 1-3 and 8-10 under § 103(a) be withdrawn.

Claims 4-7 and 11-14 depend from and contain all the limitations of independent claims 1-3 and 8-10. These dependent claims recite additional limitations, which, in combination with the limitations of claims 1-3 and 8-10 are neither disclosed nor suggested by the cited references and are directed towards patentable subject matter. Thus, claims 4-7 and 11-14 should also be allowed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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